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Fact 1: What is Administrative Detention?

Administrative detention is a procedure under which a person is deprived of their freedom without charge or trial. The Fourth Geneva Convention clarifies that administrative detention is an exceptional measure that the occupation authorities can only resort to if the civilians pose a real threat to the security of the occupying power at the present time or in the future, provided that the security reasons should be imperative as stated in Article 78 of the Convention.

Fact 2: Administrative Detention in Israeli Legislation

The IOF legislated the practice of administrative detention against Palestinian civilians since 1967 based on Article 111 of the Emergency Regulations law of 1945, and based on the military order 378 since 1971. Currently, Palestinians in the West Bank are held under administrative detention based on Article 285 of military order 1651 of the year 2009. Palestinians in occupied Jerusalem are held under administrative detention based on an order issued by the chief of staff of the occupation's armed forces on the basis of Article 2 of the Emergency Regulations law of 1979 to obtain "the security of the state and public". This article allows an administrative detention order to be issued for up to six months that can be renewed indefinitely. As for Gaza Strip, Palestinians were held under administrative detention orders based on military order 941 of 1988.

The occupation forces use administrative detention against Palestinians without a charge or trial based on a "secret file" that neither the detainee nor his lawyer can review, thus preventing them from creating an effective defense. This process thereby denies the detainee from his or her right to fair trial that is guaranteed by international law. According to Addameer's statistics, Palestinians are held under administrative detention orders for periods ranging from six months to six years or more.

The IOF usually resorts to administrative detention immediately after the arrest, or when failing to present a list of charges against the detainee. Furthermore, the IOF sometimes use administrative detention orders against Palestinians immediately after serving full sentences. In some cases, administrative detention is concurrent with the submission of a lawsuit against the detainee.

Fact 3: Data and Statistics on the Use of Administrative Detention by the IOF

Administrative detention policy is systematically practiced by the IOF on a large scale and as a form of collective punishment against hundreds of Palestinian civilians annually. Since 1967, the IOF has issued more than 50,000 administrative detention orders, 24,000 of which were issued between the years 2000 and 2014. In 1989, during the first *Intifada*, the number of administrative detainees reached 1700 detainees. During the second *Intifada*, in 2003, the number of administrative detainees was 1140 detainees.

Fact 4: Violations against Administrative Detainees

The IOF deliberately practices cruel measures to intimidate Palestinian civilians; arrests often happen in the late hour of the night, where large numbers of soldiers blow the doors up, raid homes and destroy the families' belongings. The IOF arrest Palestinians and hold them under administrative detention without arrest warrants or informing the detainee and his family members about the reasons of the arrest. Administrative detainees, like other Palestinian prisoners and detainees, are subjected to various forms of physical and psychological torture by the Israeli Prison Service (IPS) special units forces during the arrest process and during the interrogation sessions in interrogation centers and inside prisons.

Fact 5: Violations of International Humanitarian Law

Administrative detention is not compatible with the international law and is therefore illegitimate, unless it respects the fundamental and procedural guarantees as stipulated in the International Humanitarian Law. The Fourth Geneva Convention directly states that administrative detention is an exceptional measure that is not a substitute for criminal proceedings, and that it may only be practiced on a case-by-case basis without discrimination of any kind. The provisions of international law further state that administrative detention should end when the reasons that led to it are no longer present and that administrative detention should be compatible with the international law.

The occupation forces practice the administrative detention policy in violation of Article 78 of the Fourth Geneva Convention which states that the Occupying power should only detain protected persons for imperative security reasons and according to legal measures defined by the occupation and in accordance with the provision of the Fourth Geneva Convention. The detainees are presented in front of partial military courts that lack the minimum standards of fair trial guarantees and violate Article 66 of the Fourth Geneva Convention, which requires the courts to be legally constituted and held in the occupied territory. The courts also violate Article 71 which states that the courts of the occupying power should not issue any decisions unless preceded by a legal trial; therefore the military courts of the occupation violate the administrative detainees' right to fair trial in a legally constituted court as well as the fundamental guarantees provided for under Article 75 of Additional Protocol I of the Geneva Conventions. The practice of administrative detention policy by the IOF is also a violation of Articles 9, 10 and 14 of the International Covenant on Civil and Political Rights of 1966.

The United Nations Working Group on Arbitrary Detention has repeatedly condemned Israel's widespread use of administrative detention. The IOF's use of administrative detention in a systemic

and widespread manner against Palestinians is a form of collective punishment which is prohibited under Article 33 of the Fourth Geneva Convention. Furthermore, administrative detention deprives Palestinians their right to fair trial which constitutes a grave violation of the Fourth Geneva Convention under Article 147, and may amount to a crime against humanity under Article 8 and a war crime under Article 8 of the Rome Statute of the International Criminal Court.

Fact 6: Illegal Transfer of Detainees

Palestinians are held under administrative detention in prisons run by the Israeli Prison Service of the Ministry of the Israeli Public Security, not in the prisons of the occupation military forces as was the case before 2005. Administrative detainees are mainly held in three prisons: Ofer, Naqab and Megiddo. Both Naqab and Megiddo are located outside the Palestinian territory of 1967, in grave violation of Article 76 of the Fourth Geneva Convention which states that transferring detainees outside the occupied territory is a violation of the Convention.

Fact 7: Ill Treatment of Administrative Detainees

The Israeli Prison Service treats administrative detainees in accordance with the instructions of the order number 02/04/00, "The Conditions on Holding Administrative Detainees". According to this order administrative detainees are not held in separate sections and the IPS forces them to wear the prison's uniform during the visits and transfers. The IPS does not provide administrative detainees with sufficient meals. They are also denied the rights to obtain personal or nutritional supplies from outside the prisons. Administrative detainees are subjected to attacks by the IPS special units on a regular basis. The IPS also violates the detainees' rights to obtaining appropriate medical care and filing complaints. The detainees also suffer from collective punishment imposed on them, including the denial of family visits, denial of education, isolation and solitary confinement.

Fact 8: Administrative Detention as a Tool of Control

The occupation forces practice the policy of administrative detention in order to perpetuate control over the Palestinian people and to prevent them from practicing their right to self-determination. In 2006 for example, in the time of the Palestinian Legislative Council (PLC) elections the IOF arrested dozens of the "Change and Reform" bloc candidates and held them under administrative detention, some of them are still being held under administrative detention to this day.

Administrative detention is targeting Palestinians across age groups, men, women, children, elderly people, university lecturers, university students, journalists, doctors and human rights defenders. The occupation authorities have also used administrative detention as a political tool, taking administrative detainees as hostages in order to achieve political goals.

In the summer 2014, the number of administrative detainees increased to reach more than 550 detainees, including 25 PLC members. In April 2015, the IOF detained PLC member Khalida Jarrar, who is a member of the National Committee on the follow-up with the International Criminal Court, Jarrar is also the vice chairperson of Addameer's board of directors.

Fact 9: The Struggle of Administrative Detainees Against the Policy

Palestinian detainees have been fighting against the policy of administrative detention for decades. Measures have included boycotting military courts and launching full and partial hunger strikes. Between the years 2011 and 2014, dozens of administrative detainees went through open hunger strikes against the policy of administrative detention. On 26 April 2014, more than 130 administrative detainees launched a mass hunger strike that lasted for 62 days. The IPS reacted to the open hunger strike by imposing extreme punitive measures including exorbitant fines, denial of family visits and solitary confinement. In addition, in July 2015 the Knesset ratified a law that allows the IPS to force-feed hunger strikers after obtaining a court order.

Fact 10: Joining Addameer's Stop Administrative Detention Campaign

Addameer Prisoner Support and Human Rights Association launched the Stop Administrative Detention Campaign (#Stop_AD_Campaign) in March 2009, to call for an end to the policy of administrative detention as is practiced by the IOF against hundreds of Palestinian civilians annually on the basis of a secret file, preventing them from an effective defense.

Addameer calls on all activists and people of conscience to join the campaign to stop the policy of administrative detention. For more information, follow the campaign's page on Addameer's website: www.addameer.org
